

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES H. JOHNSON,

Plaintiff,

v.

Case No. 06-13636

WAYNE STATE UNIVERSITY,

HONORABLE AVERN COHN

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL
WITHOUT PREJUDICE**

This is an employment case. Plaintiff Charles Johnson is proceeding **pro se** and **in forma pauperis**. He alleges that defendant Wayne State University (WSU) discriminated and retaliated against by failing to employ him. Before the Court is plaintiff's motion for appointment of counsel.

The Court has discretion to appoint counsel for an indigent civil litigant. 28 U.S.C. § 1915(e). In determining whether to exercise this discretion, the Court must consider certain factors:

Appointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances. In determining whether exceptional circumstances exist, courts have examined the type of case and the abilities of the plaintiff to represent himself. This generally involves a determination of the complexity of the factual and legal issues.

Lavado v. Keohane, 992 F.2d 601, 605-06 (6th Cir. 1993) (citations omitted) (quotation marks omitted). "The appointment of counsel to civil litigants is a decision left to the

sound discretion of the district court, and this decision will be overturned only when the denial of counsel results in 'fundamental unfairness impinging on due process rights.' “

Reneer v. Sewell, 975 F.2d 258, 261 (6th Cir. 1992) (citations omitted).

Having considered the motion in light of these principles, the Court does not find that exceptional circumstances warrant appointment of counsel at this time.

Accordingly, plaintiff's motion is DENIED WITHOUT PREJUDICE.

SO ORDERED.

Dated: December 13, 2006

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Charles H. Johnson, 1410 Washington Blvd, Apt. 905, Detroit, MI 48226 on this date, December 13, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160